No.

In the

Supreme Court of the United States

OCTOBER TERM, 1957

LECUNO OIL COMPANY,

Petitioner,

against

T. P. SMITH, JR., Individually and as Trustee, HAZEL COCKE JOBE and Husband, CLEVE B. JOBE, CAL COCKE TRAMMELL, and WINSTON TAYLOR,

Respondents.

APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS FOR THE SIXTH SUPREME JUDICIAL DISTRICT OF TEXAS

JUDGMENT OF COURT OF CIVIL APPEALS

BE IT REMEMBERED that on Thursday, the 26th day of September, A. D. 1957, the Court of Civil Appeals for the Sixth Supreme Judicial District of Texas, met in the City of Texarkana, Texas. Present T. [illegible]. Chadick, Chief Justice, Wm. J. Fanning, Associate Justice, Matt Davis,

Associate Justice, and M. E. Merrill, Clerk, when the following proceedings, among others, were had, to-wit:

LeCuno Oil Company, No. 6973	Appellant,	Appealed from the District Court of
T. P. Smith, Jr., et al.,	Appellees.	Harrison County.

This cause came on to be heard on the transcript of the record, and the same being inspected, the court is of the opinion that the judgment of the trial court is correct except that it rendered a take nothing judgment on defendant's cross-action. And it appearing to the court that in that respect there is a lack of necessary parties to the action, the Court is of the opinion that the cross-action should have been dismissed and that the judgment of the trial court should be reformed and such cross-action dismissed, and as so reformed the judgment should be affirmed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the judgment of the trial court on the defendant's cross-action be and the same is hereby dismissed, and the judgment is hereby reformed in that respect and as so reformed the judgment of the trial court is affirmed; that the appellees, T. P. Smith, Jr.; T. P. Smith, Jr., Trust; Hazel Cocke Jobe and husband, Cleve B. Jobe, Cal Cocke Trammel and Winston Taylor, do have and recover of and from the appellants, Leonard Culbertson Dan Lester and Summers A. Norman, doing business as LeCuno Oil Company, and of Fidelity and Deposit Company of Maryland, the full amount of the judgment recov-

ered in the court below together with all costs in this behalf expended both in this court and the court below for all of which execution may issue and this decision be certified to the court below for observance.